

**POLK COUNTY FORESTRY
ORDINANCE**

An ordinance prescribing rules and regulations for the administration of county powers and duties as provided in Sections 59.98, 77.13 and 28.15, Wisconsin Statutes.

The County Board of Supervisors of Polk County do ordain as follows:

WHEREAS: Polk County has by a resolution introduced, published and finally adopted May 6, 1936 complied with the procedure prescribed in subsection (1) of Section 59.98, Wisconsin Statutes, and

WHEREAS, under the provisions of Section 59.98, Wisconsin Statutes, and particularly subsections (2) and (3) thereof, the County Board of Polk County is granted specific powers relative to the establishment, management, protection and extension of county forest reserves, and to cooperation with the Conservation Commission as may be necessary and proper to carry out the purposes of said Section 59.98, Wisconsin Statutes; and

WHEREAS, under the provisions of Section 28.15, Wisconsin Statutes, the County Board of Polk County, for the purpose of blocking out county-owned forest lands, is authorized to exchange any of such lands for other lands adapted to forestry purposes whether publicly or privately owned; and

WHEREAS, the County Board is authorized to enter lands under the Forest Crop Law, pursuant to Section 77.13; now therefore

SECTION I

Designation of County Forest Reserves

Determination is hereby made that for the purpose of proper and complete identification of all lands which are a part of a duly constituted county forest reserve, such forest reserve boundaries for each and every forest reserve shall be designated by a resolution of the County Board and such boundaries shall be designated on an official county forestry map.

SECTION II

The Agricultural Committee of the County Board and the Agricultural Agent are hereby designated to administer the county forests and is the committee hereinafter referred to.

SECTION III

Powers and Duties of the Agricultural Committee

The committee shall have the power and it shall be the duty of the committee to:

1. Recommend to the County Board any changes in the boundaries of county forests, but no new forests or additions to existing forests shall be authorized until the county shall own fifty (50%) per cent of the acreage therein.

2. Certify to the County Clerk (one month) prior to the November meeting of the County Board each year the descriptions of all lands acquired during the year and suitable for entry under the Forest Crop Law.

3. Cooperate with the Wisconsin Conservation Department in preparing a budget for county forest administration, capital and direct expenditures of forestry funds advanced by the Conservation Department under Subsection (5) of Section 59.98 of the Wisconsin Statutes; together with the revenues accruing to the county under this ordinance; and present said budget to the County Board for adoption.

4. Locate survey lines and corners on the boundary of, or within, county forests and appropriately post said boundaries.

5. Administer rules and regulations governing the recreational use of the county forests as hereinafter prescribed.

6. Dispose of dead, unsound or inferior material cut in connection with forest improvement work as hereinafter prescribed.

7. Regulate the disposal of slash.

8. Recommend and submit to County Board for approval exchanges of land with public and private agencies for purpose of blocking pursuant to Section 28.15 of the Statutes.

9. Prepare and present an annual report of its activities to the County Board at the November meeting in each year.

10. Designate such administrative officer as its agent and employ such competent surveyor and such other agents as may be necessary to direct, perform and enforce the administrative functions of this ordinance, by and with the approval of the County Board.

SECTION IV

Forest Crop Law Administration

Upon certification of lands for entry under the forest crop law by the committee the County Clerk shall proceed to fill out the prescribed forms for each description of land to be entered, as required by the Conservation Commission, within the date limits prescribed by the Conservation Commission for each year's application. Applications to enter lands under the Forest Crop Law require the signatures of the County Clerk and the Chairman of the County Board.

The sale of any descriptions of lands within county forests, and entered as forest crop land is hereby made subject to the recommendations of the committee, and subsequent authorization by resolution of the County Board. Notice of withdrawal of lands entered under the forest crop law shall not be filed with the Conservation Commission except on recommendation of the committee and authorization by resolution of the County Board, except that withdrawal of lands entered in error may be made by the County Clerk and the Chairman of the committee without county board action.

SECTION V

Finances and Accounting

All funds paid to Polk County from the Conservation Department under Section 59.98, of the Wisconsin Statutes, known as Forest Aid Funds, are to be maintained in a separate account in the office of the county treasurer designated "County Forest Aid Fund". All authorization for debits on this account are to be countersigned either by the chairman of the committee or its executive officer.

SECTION VI

County Forest Use Regulations

A. Recreational Use.

1. The Committee may designate suitable areas for camp sites and picnic grounds and is authorized to provide needed conveniences, including wells and sanitary facilities, such areas shall be for public use without charge.

2. Applications for permits to build and use hunting and fishing cabins

on County Forest lands, specifying the land description, may be filed with the county clerk. On all applications approved by the committee, the county clerk shall issue a cabin permit on payment of whatever fees the committee recommends. Such permits shall expire December 31, and be subject to renewal at the pleasure of the committee.

3. Any cabin permit may be revoked at any time when the permittee or his guests shall have been convicted of violation of the state game laws or forest fire permit laws, or any provision of this ordinance. All permits issued for the erection and use of cabins shall contain clauses that the permittee shall remove any buildings erected by him by April 15 of the year following revocation or failure to renew any permit; and that whenever any building be not removed by April 15, it shall become the property of the county and the committee may dispose of such buildings.

B. Improvement Cuttings and Timber Sales.

1. All cutting operations within a county forest shall be deemed to fall within one of two classifications: (1) Improvement cuttings, in which dead, unsound, deformed, suppressed or inferior species of trees may be cut for the primary objective of promoting improved forest growth; or (2) Timber cutting operations, in which the primary objective of the cutting is the marketing of the timber growth for commercial products, including lumber, ties, poles, posts, pulpwood, veneer logs, piling or any size of logs or bolts intended for further manufacture.

2. Improvement cutting operations on county forests shall be authorized only by the Committee, and such cuttings shall be in accordance with plans made by, or shall be under the supervision of a forester of the staff of the Conservation Department. The materials cut in such operations shall be for the free use of public agencies designated by the committee.

3. Timber cutting operations on county forests shall first be recommended by the committee, approved by the County Board, and submitted to the Conservation Commission for approval, as provided in paragraph (6) of Section 59.98, of the Wisconsin

Statutes, before cutting shall be authorized. The committee shall require sealed bids on the purchase of timber in all cases where the stumpage value of the timber to be cut is in excess of \$100.00. All timber sales shall be made on the basis of the scale, measure or count of cut forest products as reported by a scaler acceptable to the committee. On extended operations payment shall be made monthly and final payment shall be made in all cases within 30 days after removal of the cut products. The committee may require or waive a bond before approving any sales contracts.

Trespass Enforcement

1. Civil Action:

Whenever evidence of trespass cutting on lands on which Polk County holds a tax certificate or a tax deed shall be lodged with the district attorney, he shall bring suit to recover damages under subsection (2) of section 74.44 of the Statutes.

2. Criminal Action:

In case such cutting is willful, criminal action under the same subsection shall be brought by the district attorney on reasonable evidence.

3. Seizure:

Whenever forest products are found, known to have been cut in trespass from county lands, the sheriff shall on satisfactory evidence seize such materials and sell them for the use of any county institution as the committee shall direct.

4. Cooperation:

It shall be the duty of the committee or its appointed administrative agent to secure information and to get the cooperation of county officials and town officers in securing information to be presented to the district attorney for action for forest trespass. The district attorney shall at the November meeting of the County Board make a report of all cases of trespass cutting on county-owned or tax delinquent land where information was filed with him, together with a statement of action brought by him and the result of such action.

SECTION VII

Regulations in the Public Use of County Forests

The following regulations shall be

in effect on all county-owned lands within county forests.

1. All dumping of rubbish is forbidden.

2. Campers and picnic parties must leave grounds in orderly and sanitary condition. All refuse must be burned, buried, or placed in receptacles provided for that purpose.

3. No trees or shrubs shall be cut, dug up, removed or mutilated.

4. Destruction or damage of improvements is prohibited.

Any person violating any provisions of this section shall be subject to a fine not exceeding \$25.00 or imprisonment in the county jail for not more than thirty (30) days.

SECTION VIII

Amendment

Any amendment to this ordinance shall be laid over to the next meeting and published before final adoption.

SECTION IX

This ordinance upon passage and publication, shall become effective on and after same has been published.

Motion by Sup. Yates and seconded by Sup. Jack McKenzie to adopt Resolution 2. Motion carried by a vote of all in favor except one dissenting vote cast by Geo. W. Sornson.

Motion by Sup. Yates and seconded by Sup. Alwin to adjourn until 2:00 P. M. to give the various committees an opportunity to work. Carried.

AFTERNOON SESSION

Friday, November 13, 1936

Meeting called to order by Chairman, R. A. Peabody.

Roll called by Clerk, V. A. Hansen. All present.

Motion by Sup. Yates and seconded by Sup. Davison that the Board secure from the District Attorney an opinion on whether or not the County Board of Polk County had any authority to expend money on the present County Normal School Building. Carried.

The District Attorney rendered his opinion as follows: